

Short-Term Delegation of Authority to Deal with Applications under Parts IV and V of the Ontario Heritage Act During 2012

Date:	January 26, 2012
To:	Planning and Growth Management Toronto Preservation Board
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All Wards
Reference Number:	pg12008

SUMMARY

This report recommends that City Council delegate authority to the Chief Planner and Executive Director, City Planning Division, to make decisions in relation to applications to repeal designating By-laws and applications to erect, alter or demolish buildings or structures on properties designated under Parts IV and V of the Ontario Heritage Act, (the “Act”) and to give notice of intention to designate listed properties during any period in 2012 where regularly scheduled City Council meetings and meetings of the Toronto Preservation Board have been cancelled or during any period of scheduled recess.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Approval of this report by the Toronto Preservation Board shall be deemed to be consultation with the Toronto Preservation Board for all purposes under the Act, including subsections 29(2), 32(2), 33(4), 33(15), 34(2) and 42 (4.1).
2. Except for permits that must be or are deemed to be issued under Article IV of the Municipal Code, Chapter 103, Heritage, the Chief Planner refuse applications made under Parts IV and V of the Ontario Heritage Act that have not been considered by Council at or prior to its last regularly scheduled meeting before any period of recess or cancellation of any regularly scheduled meetings for

which the ninety-day period in which Council must respond may expire, unless the owner agrees to extend this period to allow Council to consider the application after that date.

3. The Chief Planner express Council's intention to designate listed properties after the last City Council meeting before a scheduled recess or unscheduled cancellation where notice of intention to demolish a listed property has been given.
4. The Chief Planner report back to City Council through the Toronto Preservation Board and respective Community Councils with a list of the applications and notices received and the decisions made during the delegation period(s).
5. The City Solicitor be authorized to introduce any necessary bills in Council to give effect to this delegation.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

Apart from specific authorities already delegated to the Chief Planner and Executive Director, City Council is required to consider any applications to repeal a designating by-law or applications to alter or to demolish properties designated under Part IV of the Ontario Heritage Act (OHA). Under the Act, Council must give notice of its decision within ninety days of receiving an application to repeal a designating by-law or demolish a Part IV protected property, and within ninety days after a notice of receipt of the application has been served on the applicant in the case of an application to alter a designated property. If Council fails to respond within the ninety day period, Council is deemed to have consented to the application.

In heritage conservation districts, which are designated under Part V of the OHA, the requirement for Council to give notice differs because of the method of approving permits as set out in Article IV of Chapter 103, Heritage, of the Municipal Code. For certain exterior alterations specified in the Municipal Code, permits are deemed to have been given by Council or, for alterations that conform to the district guidelines, staff may grant permits on Council's behalf. When the application does not conform to the district guidelines or demolition of a building or structure is proposed, Council, and not staff, is required to make a decision within ninety days after notice of receipt has been served on the applicant. If Council fails to respond within the ninety-day period, Council is deemed to have consented to the application.

In addition to designation, Council has expressed its heritage interest in properties by listing them in the City's Inventory of Heritage Properties. Although such listed properties are not designated under either Part IV or Part V of the Act, they are considered worthy of designation by both the Toronto Preservation Board and by Council. When a notice of intention to demolish buildings on a listed property is given, if Council does not express its intention to

designate the property under the Act within 60 days of receiving written notice of the owner's intention to demolish or remove the building or structure, provided that all other conditions are met, the Chief Building Official is required to issue a demolition permit.

COMMENTS

During any period in 2012 for which the prescribed time periods for City Council decisions may expire due to a scheduled recess or unscheduled meeting cancellations, there may be heritage-related applications that require a response from council. As there may be no opportunity to consult with the Toronto Preservation Board or to seek Council approval or refusal of any alterations to or demolition of heritage buildings during these times, the ninety-day response period (sixty days in the case of the demolition of listed buildings) may expire, in which case Council will be deemed to have consented to such applications. As failure to respond may result in the inappropriate alteration or demolition of significant heritage buildings, it is necessary to have another mechanism in place to deal with applications, until such time as Council is in a position to render a decision.

Accordingly, it is desirable to direct the Chief Planner to refuse applications to repeal designating by-laws and applications to erect, alter or demolish buildings or structures on properties designated under Part IV and V of the Act, and to give notice of intention to designate listed properties upon receipt of an application to demolish a listed property that places the property at risk during any period of scheduled recess or unscheduled meeting cancellation.

CONTACT

Kerri A. Voumvakis
Acting Director, Policy & Research
City Planning Division
Tel: 416-392-8148
Fax: 416-392-3821
E-mail: KVoumva@toronto.ca

SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division